IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 22166 of 2007(L)

PETITIONERS:

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1. SHRI P.ASOKAN,(RETIRED TRANSPORT SUPERINTENDENT,KSINC), "ROHINI", KODAMTHUNATH, KUTHIYATHODU.

2. SHRI P.P. BABU,(RETIRED BOAT MASTER, KSINC) PALLATHUPARAMBIL HOUSE, CHELLANAM P.O., KOCHI-8.

3. SHRI P.K. SOMAN, (BOAT DRIVER, KSINC), PARAYIL HOUSE, PERUMBALAM P.O., ALLEPPEY DISTRICT

BY ADV. SRI.DEEPU THANKAN

RESPONDENT:

KERALA SHIPPING & INLAND NAVIGATION CORPORATION LTD.,GANDHI NAGAR, COCHIN-20, REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.VAKKOM N.VIJAYAN,SC,KS & INC LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.22166 of 2007-L

Dated this the 19th day of July, 2007.

J U D G M E N T

The petitioners are the retired employees of the respondent Corporation. They claim the benefit of Ext.P3 judgment. The relevant portion of which, relied on by the petitioners reads as follows:

> "In view of the above position, the writ petitions are allowed and Exts.P6 and P13 are quashed. All the employees shall be allowed to continue in service till the last day of the month in which they attain the age of 58 years. Those writ petitioners, who retired during the pendency of these writ petitions for want of interim orders, shall also be reinstated in service and allowed to continue to work till they attain the age of superannuation of 58 years. But they shall not be eligible to get arrears of salary for the period during which they were out of service."

2. The petitioners submit, they have approached this court earlier, and based on the direction of this court in Ext.P1 judgment, the Government considered the matter and rejected their claim for enhancement of superannuation age. So, it is submitted that they are entitled to get the benefit of the above-quoted portion of the judgment. It is also pointed out that Ext.P2 has already been quashed by this court.

3. The petitioners have not chosen to challenge Ext.P2. So, as against them, the said order has become final. So, they are guilty of delay, laches and acquiescence. They accepted Ext.P2 and retired from service. Therefore, they are not entitled to get the benefit extended to the petitioners in the writ petitions, which were disposed of by Ext.P3 common judgment.

Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS